

March 2, 2009

Federal Election Commission
999 East Street, NW
Washington, DC 20463

RE: Identification No. COO286500
30-Day Post General Report (10/16/08-11/24/08)
FEC Inquiry of January 29, 2009

Dear Commissioners:

On January 29, the Commission forwarded to me an inquiry about the Committee's 30 Day Post General Report filed in December 2008. Specifically, the Commission questioned why an in-kind contribution shown on the report as having been received on October 17, 2008, was not also reported on a '48 hour notice'.

The contribution in question related to an in-home fundraising event. A husband and wife named Stephen Adler and Diane Land were the hosts for this event. This was the only event they have hosted for the Committee.

The final amount of the in-kind contribution from Mr. Adler and Ms. Land was \$3,367.47. Under the Commission's rules, the first \$2000 was not reportable as a contribution.

The host's expenditures included \$2,007 for catering, \$100 for tips, and \$259 for beverages. On top of that, the hosts provided a band, the cost of which was \$1000.

This total far exceeded the usual cost of an in-home event in this district. This campaign has had few in-home events where the out-of-pocket expenditure exceeded \$2,000. Prior to the event we had no reason to believe or expect that the cost of the event would exceed \$2000. We did not know that the food would be from this particular caterer, nor did we know that the hosts would be hiring a live band for \$1,000.

Although we made early inquiries, the Committee did not learn until Tuesday, November 11 that the hosts' out-of-pocket costs had exceeded \$2,000. On that date, campaign staff received an e-mail from Ms. Land itemizing the total expense. We were surprised at this amount. We did report the amount over \$2,000 in the timely filed 30-Day Post General Election Report. However, by the time the Committee learned that the amount of the in-kind contribution had exceeded \$2,000 there was no way or reason to file a 48-hour report.

We note that the FEC's regulations requiring that in-kind contributions be reported within 48-hours is often difficult if not impossible to comply with when third party expenditures for catering and other services are involved. In the future, the Committee will make every effort to track the expenses of this type of event if they occur during the 48-hour reporting period. However, in this case it was not foreseeable that there would be a reportable in-kind expenditure, nor was the amount known until after the end of the 48-hour reporting period.

Sincerely,
